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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:22-cr-00065-JR**

**v.**

**GOVERNMENT’S SENTENCING  
MEMORANDUM**

**LONNIE ALBERT,**

**Defendant.**

**INTRODUCTION**

Defendant swerved his vehicle toward Federal Protective Service uniformed officers’ vehicle, striking it, and after spinning out on the highway, defendant intentionally backed into the officers’ vehicle and drove away. By plea agreement, the parties jointly recommend that the Court impose a 12-month term of probation.

**FACTUAL BACKGROUND**

**A. The Offense Conduct**

On August 30, 2020, defendant was driving a vehicle eastbound on Interstate-84 in Portland, Oregon. At the same time Federal Protective Service uniformed officers, Adult Victim 1 (AV1) and Adult Victim 2 (AV2), were driving in the same direction in an unmarked vehicle. Defendant collided with the officer’s vehicle and failed to remain on the scene to exchange

information. When the officers followed defendant, he intentionally and forcibly collided with the officer's vehicle using his own vehicle. AV1 was in the vehicle when it was struck by defendant. AV1 did not sustain injury.

### **B. The Charge**

On September 1, 2020, defendant made his initial appearance and was released on conditions. (ECF Nos. 3 and 4). On February 28, 2022, defendant pleaded guilty to a single-count Information charging Assault on a Federal Officer. (ECF No. 60).

### **C. The Plea Agreement & Guideline Computations**

Defendant agreed to plead guilty to one count of Assault on a Federal Officer. The government will, subject to the limitations set forth in the agreement, recommend that defendant receive a two-level reduction for acceptance of responsibility.

The government agrees with the following PSR computations:

<b>Base Offense Level</b> (USSG § 2A2.4):	10
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#### **Adjustments**

Acceptance of Responsibility (USSG § 3E1.1):	<u>-2</u>
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<b>Total Offense Level:</b>	<b>8</b>
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The government's initial estimation of defendant's criminal history points was inaccurate. The government agrees with Probation's computation of four criminal history points, putting defendant in Criminal History Category III. The government's sentence recommendation remains unchanged.

### **DISCUSSION**

In accordance with the plea agreement, the parties make a joint recommendation that the Court impose a sentence of a 12-month term of probation. The parties' recommendation reflects

the seriousness of the offense and takes into account the need to provide just punishment and afford adequate deterrence to criminal conduct while satisfying the requirement of 18 U.S.C. § 3553(a) as a “sentence sufficient, but not greater than necessary” to meet the purposes of § 3553(a)(2).

### CONCLUSION

Based on the foregoing, the parties jointly recommend that this the Court impose a 12-month term of probation, subject to the standard conditions, plus the special conditions recommended by the Probation Office, and a \$25 fee assessment.

Dated: May 18, 2022

Respectfully submitted,

SCOTT ERIK ASPHAUG  
United States Attorney

/s/ Parakram Singh  
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Assistant United States Attorney